

HOUSE BILL No. 2603

By Committee on Higher Education

1-12

10 AN ACT relating to state educational institutions; amending K.S.A. 2005
11 Supp. 76-729 and repealing the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2005 Supp. 76-729 is hereby amended to read as
15 follows: 76-729. (a) Persons enrolling at the state educational institutions
16 under the control and supervision of the state board of regents who, if
17 such persons are adults, have been domiciliary residents of the state of
18 Kansas or, if such persons are minors, whose parents have been domicil-
19 iary residents of the state of Kansas for at least 12 months prior to en-
20 rollment for any term or session at a state educational institution are
21 residents for fee purposes. A person who has been a resident of the state
22 of Kansas for fee purposes and who leaves the state of Kansas to become
23 a resident of another state or country shall retain status as a resident of
24 the state of Kansas for fee purposes if the person returns to domiciliary
25 residency in the state of Kansas within 12 months of departure. All other
26 persons are nonresidents of the state of Kansas for fee purposes.

27 (b) The state board of regents may authorize the following persons,
28 or any class or classes thereof, and their spouses and dependents to pay
29 an amount equal to resident fees:

30 (1) Persons who are employees of a state educational institution;

31 (2) persons who are in military service;

32 (3) persons who are domiciliary residents of the state, who were in
33 active military service prior to becoming domiciliary residents of the state,
34 who were present in the state for a period of not less than two years
35 during their tenure in active military service, whose domiciliary residence
36 was established in the state within 30 days of discharge or retirement
37 from active military service under honorable conditions, but whose dom-
38 iciliary residence was not timely enough established to meet the residence
39 duration requirement of subsection (a);

40 (4) persons having special domestic relations circumstances;

41 (5) persons who have lost their resident status within six months of
42 enrollment;

43 (6) persons who are not domiciliary residents of the state, who have

1 graduated from a high school accredited by the state board of education
2 within six months of enrollment, who were domiciliary residents of the
3 state at the time of graduation from high school or within 12 months prior
4 to graduation from high school, and who are entitled to admission at a
5 state educational institution pursuant to K.S.A. 72-116, and amendments
6 thereto;

7 (7) persons who are domiciliary residents of the state, whose domi-
8 ciliary residence was established in the state for the purpose of accepting,
9 upon recruitment by an employer, or retaining, upon transfer required
10 by an employer, a position of full-time employment at a place of employ-
11 ment in Kansas, but the domiciliary residence of whom was not timely
12 enough established to meet the residence duration requirement of sub-
13 section (a), and who are not otherwise eligible for authorization to pay an
14 amount equal to resident fees under this subsection; and

15 (8) persons who have graduated from a high school accredited by the
16 state board of education within six months of enrollment and who, at the
17 time of graduation from such a high school or while enrolled and in at-
18 tendance at such a high school prior to graduation therefrom, were de-
19 pendents of a person in military service within the state; if the person,
20 whose dependent is eligible for authorization to pay an amount equal to
21 resident fees under this provision, does not establish domiciliary resi-
22 dence in the state upon retirement from military service, eligibility of the
23 dependent for authorization to pay an amount equal to resident fees shall
24 lapse.

25 ~~(c)~~ ~~(H)~~ The state board of regents shall authorize the following class
26 of persons to pay an amount equal to resident fees:

27 (1) Any dependent or spouse of a person in military service who is
28 reassigned from Kansas to another duty station so long as such dependent
29 or spouse continues to reside in Kansas; *and*

30 (2) *any domiciliary resident who entered military service within six*
31 *months of graduation from a Kansas high school and who enrolls at a*
32 *state educational institution within one year after being honorably dis-*
33 *charged from military service. The provisions of this paragraph shall be*
34 *retroactive to persons enrolling after July 2005.*

35 ~~(2)~~ ~~(d)~~ So long as a person remains continuously enrolled, exclusive
36 of summer sessions, a person who qualifies to pay resident fees by virtue
37 of being a spouse or dependent of a person in military service shall not
38 lose such status because of a divorce or the death of a spouse.

39 ~~(4)~~ ~~(e)~~ As used in this section:

40 (1) "Parents" means and includes natural parents, adoptive parents,
41 stepparents, guardians and custodians.

42 (2) "Guardian" has the meaning ascribed thereto by K.S.A. 59-3051,
43 and amendments thereto.

1 (3) "Custodian" means a person, agency or association granted legal
2 custody of a minor under the Kansas code for care of children.

3 (4) "Domiciliary resident" means a person who has present and fixed
4 residence in Kansas where the person intends to remain for an indefinite
5 period and to which the person intends to return following absence.

6 (5) "Full-time employment" means employment requiring at least
7 1,500 hours of work per year.

8 (6) "Dependent" means: (A) A birth child, adopted child or stepchild;
9 or

10 (B) any child other than the foregoing who is actually dependent in
11 whole or in part on the person in military service and who is related to
12 such individual by marriage or consanguinity.

13 (7) "Military service" means any active service in any armed service
14 of the United States and any active state or federal service in the Kansas
15 army or air national guard.

16 Sec. 2. K.S.A. 2005 Supp. 76-729 is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the statute book.